

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AVERELL LAVAR WILLIAMS,

Petitioner,

Case Number: 06-10173

v.

HONORABLE AVERN COHN

HUGH WOLFENBARGER,

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DENYING APPLICATION FOR WRIT OF HABEAS CORPUS
AND DISMISSING CASE**

This is a habeas case under 28 U.S.C. § 2254. Petitioner Averell Lavar Williams (Petitioner) is a state prisoner convicted of first-degree felony murder, for which he is serving a sentence of life without parole, and felony firearm, for which he is serving two years. Petitioner claims that he is incarcerated in violation of his constitutional rights, raising seven claims. The matter was referred to a magistrate judge for a report and recommendation (MJRR). The magistrate judge, in a thorough going analysis of Petitioner's claims, carefully considered all of them on the merits and recommends that the petition be denied. Petitioner has not objected to the MJRR.¹

¹The MJRR was filed on October 24, 2008. On October 31, 2008, Petitioner filed a motion for an extension of time in which to file objections. On November 5, 2008, the Court granted the motion and gave Petitioner until December 15, 2008 in which to file objections. To date, Petitioner has not filed any objections and the time for filing has passed.

Having reviewed the MJRR, the Court agrees with the magistrate judge that Petitioner is not entitled to habeas relief on any of his claims. Accordingly, the findings and conclusions of the magistrate judge are adopted as the findings and conclusions of the Court. Petitioner's application for writ of habeas corpus is DENIED. This case is DISMISSED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 12, 2009

I hereby certify that a copy of the foregoing document was mailed to Averell Williams, 250770, Saginaw Correctional Facility, 9625 Pierce Road, Freeland, MI 48623 the attorneys of record on this date, January 12, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160